

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VAISHALI P. RILEY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. _____
	:	
WELLS FARGO BANK, N.A.	:	
	:	
Defendant.	:	
	:	

DEFENDANT'S NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

Defendant Wells Fargo Bank, N.A., through its undersigned counsel, pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1441, and 28 U.S.C. § 1446, and hereby files a Notice of Removal of the above-captioned action from the Magisterial District Court of the Commonwealth of Pennsylvania (Montgomery County), in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania, based on the following grounds:

1. Plaintiff Vaishali P. Riley commenced this action by way of a Civil Complaint filed in the Magisterial District Court for Montgomery County, Pennsylvania, Docket No. MJ-38101-CV-0000065-2015, on March 20, 2015 (the "State Court Action").
2. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Civil Complaint is attached hereto as Exhibit A. Additionally, a copy of all other process, pleadings, and orders which have been served upon Defendant are attached hereto as Exhibit A.
3. The Civil Complaint was first received by Defendant on April 9, 2015.

4. Plaintiff's Civil Complaint purports to allege a cause of action against Defendant pursuant to 26 U.S.C. § 7434. Specifically, Plaintiff alleges that Defendant filed a false W-2 in violation of 26 U.S.C. § 7434. Exhibit A.

5. This case is removable under 28 U.S.C. § 1441(b) because it involves claims arising under the laws of the United States over which this Court has original federal question jurisdiction under 28 U.S.C. § 1331. Specifically, this Court has original federal question jurisdiction over Plaintiff's claim arising under 26 U.S.C. § 7434. This Court has supplemental jurisdiction over the remaining state law claims (to the extent that such claims have been made¹), because those claims are so related to the federal claims that the federal and state claims form part of the same case or controversy. See 28 U.S.C. § 1367.

6. This case meets the requirements for removal to this Court under 28 U.S.C. § 1441(a) because this civil action is one in which the district courts of the United States have original jurisdiction, and this Court is the district court embracing the place where the state court action was pending.

7. In accordance with 28 U.S.C. § 1446(b), this Notice has been filed within 30 days after receipt by Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which this action or proceeding is based.

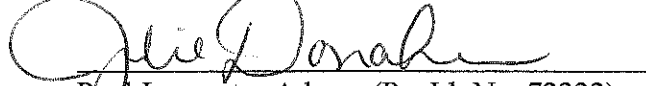
8. Promptly upon filing this Notice of Removal, Defendants will give written notice to Plaintiff and will file a copy of this Notice of Removal with the Magisterial District Court for Montgomery County. Attached hereto as Exhibit B is a copy of the Notice of Filing Notice of Removal to Federal Court that will be filed with the Magisterial District Court for Montgomery County.

¹ The Civil Complaint also alleges that the W-2 issued by Defendant "falsely indicat[ed] that the plaintiff was subject to PA taxes." However, it is unclear from the Complaint whether Plaintiff makes any claim under Pennsylvania law.

9. The filing fee and an executed civil information sheet accompany this Notice.

WHEREFORE, Defendant hereby removes the above action now pending in the Magisterial District Court for Montgomery County, Pennsylvania, Docket No. MJ-38101-CV-0000065-2015, be removed to and filed with this Court.

Ogletree, Deakins, Nash, Smoak
& Stewart, P.C.

A handwritten signature in black ink, appearing to read "Julie Donahue", is written over a horizontal line.

Paul Lancaster Adams (Pa. Id. No. 72222)

Julie A. Donahue (Pa. Id. No. 203347)

1735 Market Street, Suite 3000

Philadelphia, PA 19103

(215) 995-2800

(215) 995-2801 (fax)

pladams@ogletreedeakins.com

julie.donahue@ogletreedeakins.com

Attorneys for Defendant

Dated: May 6, 2015

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY



Civil Action Hearing Notice

Mag. Dist. No:	MDJ-38-1-01
MDJ Name:	Honorable Ester J. Casillo
Address:	160 West Germantown Pike Suite D5 Norristown, PA 19401
Telephone:	610-272-3029

Wells Fargo Bank, NA
625 Marquette Avenue
Minneapolis, MN 55479

Vaishali P Riley
v.
Wells Fargo Bank, NA

Docket No: MJ-38101-CV-0000065-2015
Case Filed: 3/20/2015

A civil complaint has been filed against you in the above captioned case.

A Civil Action Hearing has been scheduled to be held on/at:

Date: Thursday, April 30, 2015	Place: Magisterial District Court 38-1-01, Norristown 160 West Germantown Pike Suite D5 Norristown, PA 19401 610-272-3029
Time: 10:00 AM	

**NOTIFY THIS OFFICE
IF YOU INTEND TO
APPEAR FOR HEARING**

Notice To Defendant

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

You must appear at the hearing and present your defense. Unless you do, judgment may be entered against you by default.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to Pa.R.C.P.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

Notice To Plaintiff

Pursuant to Pa.R.C.P.D.J. No. 318, you or your attorney will be notified if the defendant gives notice of his/her intention to defend.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA



COUNTY OF MONTGOMERY

ESTER J. CASILLO

MAGISTERIAL DISTRICT JUDGE

Magisterial District 38-1-01
160 W. Germantown Pike
Suite D5
Norristown, PA 19401

WEST NORRITON TOWNSHIP
EAST NORRITON TOWNSHIP

OFFICE:
TEL 610-272-3029
FAX 610-272-5080

Notice to All Parties:

This date is just a **DEFAULT DATE**. There is not an actual hearing and neither party should be present. The defendant in this case should contact this COURT by PHONE (610-272-3029) on or before date if they wish to enter a defense to the claim. If the defendant enters their defense, a new hearing date will be scheduled. This will be the actual hearing for which both parties must be present. If no defense is entered, then a default judgement will be entered against the defendant. If you have any questions, please contact the COURT at 610-272-3029. Thank you.

TO SETTLE YOUR CASE, REMIT AMOUNT OF CLAIM PLUS COSTS DIRECTLY TO PLAINTIFF. THE PLAINTIFF WILL THEN NOTIFY THE COURT THAT IT HAS BEEN PAID.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF: MONTGOMERY

CIVIL COMPLAINT

Magisterial District Number:

38-1-01

MDJ Name: Hon.

Ester J. Casillo

Address: 160 W. Germantown Pike

Suite D5

Norristown, PA 19401

Telephone: (215)343-0627

PLAINTIFF:

NAME and ADDRESS

Vaishali P. Riley

16919 Cobbler Crossing Drive

Sugar Land, TX 77498

VS.

DEFENDANT:

NAME and ADDRESS

Wells Fargo Bank, NA.

625 Marquette Avenue

Minneapolis, MN 55479

Docket No.: CV-65-15

Date Filed: 03/20/15



	AMOUNT	DATE PAID
FILING COSTS	\$ 162.50	/ /
POSTAGE	\$ 13.35	/ /
SERVICE COSTS	\$	/ /
CONSTABLE ED.	\$	/ /
TOTAL	\$ 175.85	03/ 23/ 15

Social security numbers and financial information (e.g. PINS) should not be listed. If the identity of an account number must be established, list only the last four digits. 204 Pa.Code §§ 213.1 - 213.7.

Pa.R.C.P.D.J. No. 206 sets forth those costs recoverable by the prevailing party.

TO THE DEFENDANT: The above named plaintiff(s) asks judgment against you for \$ 12,000.00 together with costs upon the following claim (Civil fines must include citation of the statute or ordinance violated):

In 2014, the defendant paid wages to the plaintiff. On or about 2/14/15, the defendant issued the plaintiff a W-2 falsely indicating that the plaintiff was subject to PA taxes. The W-2 also falsely indicates the appropriate amount of federal income tax to be withheld. The W-2 shows excess federal withholding over the amount allowed by the IRS regulations. The plaintiff resides in Texas and did not perform work in PA which the wages were being paid for. The defendant's actions of filing the false W-2 were willful and intentional. All times material hereto, the defendant knew that the plaintiff resided in Texas and was not subject to PA taxes and that the federal withholding amount was erroneous, and despite plaintiff's request for the defendant to correct its records, the defendant refused to do so. Pursuant to 26 U.S.C. 7434, anyone who willfully files a false W-2 is subject to statutory damages of the greater of \$5,000 or actual damages plus attorney's fees and costs.

I, Alan B. Kane, Esquire verify that the facts set forth in this complaint are true and correct to the best of my knowledge, information, and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 PA. C.S. § 4904) related to unsworn falsification to authorities.

(Signature of Plaintiff or Authorized Agent)

The plaintiff's attorney shall file an entry of appearance with the magisterial district court pursuant to Pa.R.C.P.M.D.J. 207.1.

IF YOU INTEND TO ENTER A DEFENSE TO THIS COMPLAINT, YOU SHOULD SO NOTIFY THIS OFFICE IMMEDIATELY AT THE ABOVE TELEPHONE NUMBER. YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE. UNLESS YOU DO, JUDGMENT MAY BE ENTERED AGAINST YOU BY DEFAULT.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five (5) days before the date set for the hearing.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

MAR 20 2015

Paycheck Earnings | Paycheck Taxes | Paycheck Deductions | Pay Check Memo NW

Empl ID 00001014408 Name **Riley, Vaishali Patel**
Company B10 Pay Group BEO Pay Period End 10/31/2014 Page 19

Separate Check

Paycheck Information

Paycheck Status Confirmed
Issue Date 10/14/2014
Paycheck Option Check
Paycheck Number 7506167

☒ Off Cycle ☐ Reprint ☐ Adjustment ☐ Corrected ☐ Cashed

Line 1
Paycheck Totals

Earnings	33,500.00
Taxes	12,326.65
Deductions	0.00
Net Pay	21,173.35

Earnings

Begin Date: 10/01/2014 End Date: 10/31/2014 Add Line Nbr: Reason: Not Specified

Find | View All First 1 of 1 Last

Salaried

Hours: 0.00
Rate: 34.583448
Earnings: 0.00

Hourly

Hours: 0.00
Rate: 0.000000
Earnings: 0.00

Overtime

Hours: 0.00
Rate: 0.000000
Earnings: 0.00

Shift: 1

Shift Rate:

State: PA

Locality: 090402

UPPER SOUTHAMPTON TWP

Other Earnings

Other Earnings Details 1

Other Earnings Details 2

Code	Description	Rate Code	Award Date	Hours	Rate	Amount Tax Method
416	MISC Non-Certified Earnings					33,500.00; Special Supplemental

Special Accumulators

Return to Search Notify

Paycheck Earnings | Paycheck Taxes | Paycheck Deductions | Pay Check Memo NW

Line 1	
Paycheck Totals	
Earnings	33,500.00
Taxes	12,326.65
Deductions	0.00
Net Pay	21,173.35

Separate Check

Return to Search Notify

Paycheck Earnings | Paycheck Taxes | Paycheck Deductions | Pay Check Memo NW



Pay Voucher

B10 Wells Fargo Bank N A
101 North Phillips Avenue
Sioux Falls, SD 57104

HR Service Center
1-877-HRWELLS (1-877-479-3557)
TDD/TTY 1-800-988-0161

Team Member Information and Pay Dates				Tax Data:	Federal	PA State
Vaishali Patel Riley 661 Fox Hollow Drive Yardley, PA 19067	Employee ID:	00001014408		Marital Status:	Married	n/a
	AU:	0068209		Allowances:	3	3
	Location:	Southam280		Adtl. Amount:		
	Job Title:	STORE MANAGER (SAFE) 3				
	Pay Begin Date:	10/01/2014				
	Pay End Date:	10/31/2014				
	Check Date:	10/14/2014				

	Total Gross	Fed Taxable Gross	Total Taxes	Total Deductions	Net Pay
Current	33,600.00	33,500.00	12,326.65	0.00	21,173.35
YTD	33,500.00	33,500.00	12,326.65	0.00	21,173.35

Earnings						Taxes		
Description	Rate	Current Hours	Earnings	Year To Date Hours	Earnings	Description	Current	Year To Date
MISC Non-Certified Earnings			33,500.00		33,500.00	Fed Withholding	8,375.00	8,375.00
						Fed MED/EE	485.75	485.75
						Fed OASDI/EE	2,077.00	2,077.00
						PA Unempl EE	23.45	23.45
						PA Withholding	1,028.45	1,028.45
						PA UPPER SOUTHAMPT	2.00	2.00
						LS Tax		
						PA UPPER SOUTHAMPT	335.00	335.00
						Withholding		
Total:		0.00	33,500.00	0.00	33,500.00	Total:	12,326.65	12,326.65

Before-Tax Deductions			After-Tax Deductions		
Description	Current	Year To Date	Description	Current	Year To Date
Total:	0.00	0.00	Total:	0.00	0.00

Net Pay Distribution			
Paycheck Number	Account Type	Account Number	Deposit Amount
7506167	Issue Chk		21,173.35
TOTAL:			21,173.35

Job Data Search

Search

Advanced Search

Last Search Results

Work Location

Job Information

Job Labor

Payroll

Salary Plan

Compensation

Other Job Data

Riley, Vaishali Patel

EmpID 00001014408

Employee

Work Location

Effective Date 11/16/2012

Effective Sequence 0

HR Status Inactive

Payroll Status Terminated

Action Termination
Reason VP-Violation of Company Policy
Job Indicator Primary Job

Current

Position Number 01118905

STORE MANAGER (SAFE) 3

Override Position Data

Refresh Position Data

Position Entry Date 12/14/2010

☐ Position Management Record

Regulatory Region USA

Company B10

Business Unit STDBU

Department 0000021127

Department Entry Date 12/19/2010

Location 0000032205

Establishment ID

Southam280

United States
WELLS FARGO BANK N A
STDBU
WFB - Penn Del Rp

PA Mark location

Date Created 11/15/2012

Last Updated 11/15/2012 7:34:22AM

Last Start Date 05/30/2009

Termination Date 11/15/2012

☐ Override Last Date Worked

Last Date Worked 11/15/2012

Job Data

Employment Data

Benefits Program Participation

Save

Return to Search

Refresh

Update/Display

Include History

Work Location | Job Information | Job Labor | Payroll | Salary Plan | Compensation | Other Job Data

Address History

Address Type Home

Address History		Find	First	1-3 of 3	Last
Effective Date	02/10/2015	Address	16919 Cobler Crossing Dr		
Country	USA		Sugarland, TX		
Status	A		77498		
Effective Date	01/01/2012	Address	661 Fox Hollow Drive		
Country	USA		Yardley, PA		
Status	A		19067		
			Bucks		
Effective Date	05/30/2009	Address	47 MAGNOLIA COURT		
Country	USA		FEASTERVILLE, PA		
Status	A		19053		

new address plus changed

Search Audit Table

Favorites

Main Menu

Workforce Administration

View HR Audits

Search Audit Table

Home

Add to Favorites

Sign out

All

Search

Advanced Search

Last Search Results

Return to List

User ID	User	Record (Table) Name	Date and Time Stamp	Action	Field Name	Old Value	New Value	EMPLID	ADDRESS_TYPE	EFFDT	Fourth Key	Fifth Key	Sixth Key
0000059702	HANSEN, DENISE M	ADDRESSES	02/10/15 12:29:02.67928PM	Add	POSTAL		77498	00001014408	HOME	2015-02-10			
0000059702	HANSEN, DENISE M	ADDRESSES	02/10/15 12:29:02.669849PM	Add	STATE		TX	00001014408	HOME	2015-02-10			
0000059702	HANSEN, DENISE M	ADDRESSES	02/10/15 12:29:02.659146PM	Add	CITY		Sugarland 16919	00001014408	HOME	2015-02-10			
0000059702	HANSEN, DENISE M	ADDRESSES	02/10/15 12:29:02.641795PM	Add	ADDRESS1		Cobbler Crossing Dr	00001014408	HOME	2015-02-10			
0000059702	HANSEN, DENISE M	ADDRESSES	02/10/15 12:29:02.633740PM	Add	COUNTRY		USA	00001014408	HOME	2015-02-10			
0000059702	HANSEN, DENISE M	ADDRESSES	02/10/15 12:29:02.624624PM	Add	EFFDT		2015-02-10	00001014408	HOME	2015-02-10			

Return to List

Personalize | Find | 1-6 of 6 | Last

All Search

Advanced Search

Last Search Results

Review/Update Year End Data

W-2 Information

Employee ID 00001014408
Process Flag Complete

Find | View All First 1 of 3 Last
Company B10
Calendar Year 2014
Tax Form ID W-2

Employee Information

First Name VAISHALI
Last Name RILEY
Address 1 661 FOX HOLLOW DRIVE
Address 2
City YARDLEY
State PA
Country USA
Sequence 1

Find | View All First 1 of 1 Last
Middle Name PATEL
Suffix
Postal Code 19067

PR Control Number

Social Security Number 313-21-0085
PR e-File Confirmation Number

Employee Status

☐ Statutory Employee
☐ Third-party sick pay

☐ Retirement Plan

Tax Form Box Detail

Personalize | Find | First 1-11 of 11 Last

Box	Description	State	Locality	Locality Name	Box Amount
01	Wages, tips, other compensation				33500.00
02	Fed/err income tax withheld				8375.00
03	Social Security wages				33500.00
04	Social Security tax withheld				2077.00
05	Medicare wages and tips				33500.00
06	Medicare tax withheld				485.75
14F	PA Employee Unemployment	PA			23.45
16	State wages, tips, etc.	PA			33500.00
17	State income tax	PA			1028.45
18	Local wages, tips, etc.	PA	090402	UPPER SOUTHAMPTON TWP	33500.00
19	Local income tax	PA	090402	UPPER SOUTHAMPTON TWP	335.00

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY**Rescheduling Notice**

Mag. Dist. No:	MDJ-38-1-01
MDJ Name:	Honorable Ester J. Casillo
Address:	160 West Germantown Pike Suite D5 Norristown, PA 19401
Telephone:	610-272-3029

Vaishali P Riley
v.
Wells Fargo Bank, NA

Paul Lancaster Adams Jr., Esq.
Ogletree Deakins Nash, Smoak & Stewart, P.C.
1735 Market Street, Suite 3000
Philadelphia, PA 19103-7501

Docket No: MJ-38101-CV-0000065-2015
Case Filed: 3/20/2015

A civil complaint has been filed against you in the above captioned case.

A Civil Action Hearing was previously scheduled on April 30, 2015 / 10:00 AM. It has been rescheduled to be held on/at:

Date: Tuesday, June 23, 2015	Place: Magisterial District Court 38-1-01, Norristown 160 West Germantown Pike Suite D5 Norristown, PA 19401 610-272-3029
Time: 12:00 PM	

Continuance requested by Vaishali P Riley
Reason: Intent to Defend Filed

Notice To Defendant

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

You must appear at the hearing and present your defense. Unless you do, judgment may be entered against you by default.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to Pa.R.C.P.M.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

Notice To Plaintiff

Pursuant to Pa.R.C.P.M.D.J. No. 318, you or your attorney will be notified if the defendant gives notice of his/her intention to defend.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY**Notice of Intent to Defend**

Mag. Dist. No:	MDJ-38-1-01
MDJ Name:	Honorable Ester J. Casillo
Address:	160 West Germantown Pike Suite D5 Norristown, PA 19401
Telephone:	610-272-3029

Vaishali P Riley
v.
Wells Fargo Bank, NA

Paul Lancaster Adams Jr., Esq.
Ogletree Deakins Nash, Smoak & Stewart, P.C.
1735 Market Street, Suite 3000
Philadelphia, PA 19103-7501

Docket No: MJ-38101-CV-0000065-2015
Case Filed: 3/20/2015

A Civil Action Hearing has been scheduled to be held on/at:

Date: Tuesday, June 23, 2015	Place: Magisterial District Court 38-1-01, Norristown 160 West Germantown Pike Suite D5 Norristown, PA 19401 610-272-3029
Time: 12:00 PM	

PLAINTIFF:

You are hereby notified that the defendant named below has given notice of his/her intent to present a defense at the hearing in the above case.

DEFENDANT(S)

Wells Fargo Bank, NA

April 28, 2015

Date

Magisterial District Judge Ester J. Casillo



COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY



Rescheduling Notice

Mag. Dist. No: MDJ-38-1-01
MDJ Name: Honorable Ester J. Casillo
Address: 160 West Germantown Pike
Suite D5
Norristown, PA 19401
Telephone: 610-272-3029

Vaishali P Riley
v.
Wells Fargo Bank, NA

Wells Fargo Bank, NA
625 Marquette Avenue
Minneapolis, MN 55479

Docket No: MJ-38101-CV-0000065-2015
Case Filed: 3/20/2015

A civil complaint has been filed against you in the above captioned case.

A Civil Action Hearing was previously scheduled on April 30, 2015 / 10:00 AM. It has been rescheduled to be held on/at:

Date: Tuesday, June 23, 2015	Place: Magisterial District Court 38-1-01, Norristown 160 West Germantown Pike Suite D5 Norristown, PA 19401 610-272-3029
Time: 12:00 PM	

Continuance requested by Vaishali P Riley
Reason: Intent to Defend Filed

Notice To Defendant

If you intend to enter a defense to this complaint, you should so notify this office immediately at the above telephone number.

You must appear at the hearing and present your defense. Unless you do, judgment may be entered against you by default.

If you have a claim against the plaintiff which is within magisterial district judge jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five days before the date set for the hearing.

Pursuant to Pa.R.C.P.M.D.J. No. 342(B)(2), no claim by the defendant will be permitted in a supplementary action filed for failure of judgment creditor to enter satisfaction.

Notice To Plaintiff

Pursuant to Pa.R.C.P.M.D.J. No. 318, you or your attorney will be notified if the defendant gives notice of his/her intention to defend.

If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation.

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF MONTGOMERY



Notice of Intent to Defend

Mag. Dist. No: MDJ-38-1-01
MDJ Name: Honorable Ester J. Casillo
Address: 160 West Germantown Pike
Suite D5
Norristown, PA 19401
Telephone: 610-272-3029

Vaishali P Riley
v.
Wells Fargo Bank, NA

Wells Fargo Bank, NA
625 Marquette Avenue
Minneapolis, MN 55479

Docket No: MJ-38101-CV-0000065-2015
Case Filed: 3/20/2015

A Civil Action Hearing has been scheduled to be held on/at:

Date: Tuesday, June 23, 2015	Place: Magisterial District Court 38-1-01, Norristown 160 West Germantown Pike Suite D5 Norristown, PA 19401 610-272-3029
Time: 12:00 PM	

PLAINTIFF:

You are hereby notified that the defendant named below has given notice of his/her intent to present a defense at the hearing in the above case.

DEFENDANT(S)

Wells Fargo Bank, NA

April 28, 2015

Date

Magisterial District Judge Ester J. Casillo



EXHIBIT B

Pursuant to 28 U.S.C. § 1446(d), on May 5, 2015, Defendant in the above-referenced action, in which Defendant first received a copy of the Complaint on April 9, 2015, filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania pursuant to 28 U.S.C. Section 1446(a) (“Notice of Removal”). A copy of that Notice of Removal is attached hereto as Exhibit A.

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446(d), the filing of that Notice of Removal, together with the filing of the attached Notice of Removal with this Court, effects the removal of this action, and this Court may proceed no further unless and until the case is remanded by the federal court.

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

A handwritten signature in black ink, appearing to read "Julie Donahue", is written over a horizontal line.

Julie A. Donahue (Pa. Id. No. 203347)
1735 Market Street, Suite 3000
Philadelphia, PA 19103
(215) 995-2800 (Phone)
(215) 995-2801 (Fax)
julie.donahue@ogletreedeakins.com

Attorneys for Defendant

Dated: May 6, 2015

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.
Julie A. Donahue (Pa. Id. # 203347)
1735 Market Street, Suite 3000
Philadelphia, PA 19103-7218
(215) 995-2800 (Phone)

Attorneys for Defendant

VAISHALI P. RILEY

Plaintiff,

**MONTGOMERY COUNTY
MAGISTERIAL DISTRICT
COURT**

v.

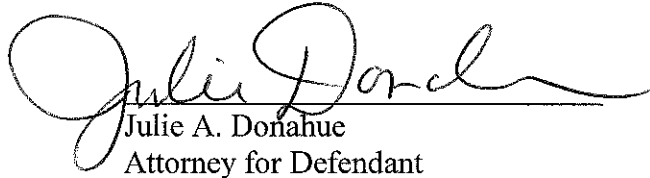
No. MJ-38101-CV-0000065-2015

WELLS FARGO BANK, N.A.,
Defendant.

CERTIFICATE OF SERVICE

I hereby certify that, on this 6th day of May 2015, a true and correct copy of the foregoing Defendant's Notice of Filing of Removal, Exhibit A: Notice of Removal, Civil Cover Sheet, Designation Form, Case Management Track Designation Form, and Certificate of Service were served by first class mail, postage prepaid, to counsel for Plaintiff addressed as follows:

Alan B. Kane
One Montgomery Plaza
Suite 608
Norristown, PA 19401
Attorney for Plaintiff


Julie A. Donahue
Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Vaishali P. Riley

:

:

:

:

:

CIVIL ACTION

v.

Wells Fargo Bank, N.A.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

5/6/2015

Date

215 995 2800

Telephone



Attorney-at-law

215 995 2801

FAX Number

Wells Fargo Bank, N.A.

Attorney for

julie.donahue@ogletreedeakins.com

E-Mail Address

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Vaishali P. Riley
16919 Cobbler Crossing Drive
Sugar Land, TX 77498

(b) County of Residence of First Listed Plaintiff Fort Bend, TX
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Alan B. Kane, Esq.
One Montgomery Plaza, Suite 903
Norristown, PA 19401

DEFENDANTS

Wells Fargo Bank, N.A.
90 S. 7th Street
Minneapolis, MN 55402

County of Residence of First Listed Defendant State of Delaware
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Julie A. Donahue, Esq., Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 1735 Market Street, Suite 3000, Philadelphia, PA 19103

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input checked="" type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

26 U.S.C. 7434

Brief description of cause:

Alleged falsification of W2 issued to plaintiff

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 12,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

05/06/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 16919 Cobbler Crossing Drive, Sugar Land, TX 77498

Address of Defendant: 90 S. 7th Street, Minneapolis, MN 55402

Place of Accident, Incident or Transaction: Southampton, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number: 2:14-cv-00010

Judge

Sanchez

Date Terminated:

9/8/14

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Federal Tax, 26 U.S.C. 7434

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Julie A. Donahue, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE:

5/6/15

Julie Donahue
Attorney-at-Law

203347

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE:

5/6/15

Julie Donahue
Attorney-at-Law

203347

Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 16919 Cobbler Crossing Drive, Sugar Land, TX 77498

Address of Defendant: 90 S. 7th Street, Minneapolis, MN 55402

Place of Accident, Incident or Transaction: Southampton, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: 2:14-cv-00010

Judge Sanchez

Date Terminated: 9/8/14

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☒ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases
(Please specify) Federal Tax, 26 U.S.C. 7434

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Julie A. Donahue, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 5/6/15

Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

Attorney I.D.#

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/6/15

Attorney-at-Law

Attorney I.D.#